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7
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9 Andrew Smith Company

10 IN THE UNITED STATES DISTRICT COURT

11 FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

12 ANDREW SMITH COMPANY,

13 Plaintiff,

14 v.

15 NATUREBEST PRE CUT & PRODUCE, LLC,
16 MAXIMILIANO MACHADO, and DOES 1-20
17 inclusive

18 Defendants.

No. 06-00405 JW

**NOTICE OF VOLUNTARY
DISMISSAL**

19 Plaintiff Andrew Smith Company respectfully requests that the above-captioned matter
20 be dismissed with prejudice.

21 Dated: October 27, 2006

22 LOMBARDO & GILLES, PC

23 By: _____

24 J. Kenneth Gorman
25 Attorneys for Plaintiff

PROOF OF SERVICE

I am employed in the County of Monterey, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 318 Cayuga Street, Salinas, California 93901.

On the date set forth below, I caused the following document(s) entitled:

NOTICE OF VOLUNTARY DISMISSAL

to be served on the party(ies) or its (their) attorney(s) of record in this action listed below by the following means:

X	BY MAIL. By placing each envelope (with postage affixed thereto) in the U.S. Mail at the law offices of Lombardo & Gilles, 318 Cayuga Street, Salinas, California, addressed as shown below. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service the same day it was placed for collection and processing.
	BY HAND-DELIVERY. By causing a true copy thereof, enclosed in a sealed envelope, to be delivered by hand to the address(es) shown below.
	BY OVERNIGHT DELIVERY. By placing with an overnight mail company for delivery a true copy thereof, enclosed in a sealed envelope, with delivery charges to be billed to Lombardo & Gilles, addressed as shown below.
	BY FACSIMILE TRANSMISSION. By transmitting a true copy thereof by facsimile transmission from facsimile number (831) 754-2011 to the interested party(ies) or their attorney(s) of record to said action at the facsimile number(s) shown below.
	BY ELECTRONIC MAIL. By transmitting a true copy thereof by electronic mail from e-mail address sheresa@lombgil.com to the interested party(ies) or their attorney(s) of record to said action at the electronic mail address(es) shown below

Maximiliano Machado
c/o Naturebest Pre-Cut & Produce, LLC
3350 Rogerdale Road, Suite C
Houston, TX 77042-4161

Naturebest Pre-Cut & Produce, LLC
Registered Agent: Dennis A. McQueen
1415 Louisiana, 22nd Floor
Houston, TX 77002

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 27, 2006, at Salinas, California.


Sheresa L. Tanner